

1 KEVIN J. MIRCH, ESQ.  
 kevinmirch@mirchlaw.com  
 2 California Bar No. 106973  
 MARIE C. MIRCH, ESQ.  
 3 marie@mirchlaw.com  
 California Bar No. 200833  
 4 1180 Rosecrans St., #104-552  
 San Diego, California 92106  
 5 Telephone: (619) 501-6220

6 UNITED STATES DISTRICT COURT  
 7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

8 RALPH PETERSON, M.D., )  
 )  
 9 Plaintiff, )  
 v. )  
 10 SUTTER MEDICAL FOUNDATION; )  
 11 SUTTER BAY HOSPITALS (f.k.a. )  
 SUTTER EAST BAY HOSPITALS) )  
 12 d/b/a Alta Bates Summit Medical Center, )  
 a/k/a Sutter Delta Medical Center; )  
 13 EDEN MEDICAL CENTER )  
 d/b/a San Leandro Hospital; )  
 14 SUTTER EAST BAY MEDICAL )  
 FOUNDATION; NEIL STOLLMAN, M.D., )  
 15 ROD PERRY, M.D., PHILLIP RICH, M.D. )  
 CATHY L. LOZANO (Board Investigator), )  
 16 KRISTINA LAWSON, (Board Member) )  
 HOWARD KRAUSS, M.D., (Board Member) )  
 17 RANDY HAWKINS, M.D., (Board Member) )  
 RICHARD D. FANTOZZI, M.D. ,(Board Member) )  
 18 HEDY CHANG (Former Board Member), )  
 DEV GNANADEV, M.D., (Board Member) )  
 19 RONALD LEWIS, M.D., (Board Member) )  
 LAURIE ROSE LUBIANO,(Board Member) )  
 20 ASIF MAHMOOD, M.D.(Board Member) )  
 RICHARD THORP, M.D.,(Board Member) )  
 21 ESERICK WATKINS, (Board Member) )  
 FELIX YIP, M.D.(Board Member) )  
 22 DENISE PINES (Former V.P of Board), )  
 MICHAEL BISHOP, (former Secretary of Board), )  
 23 SHARON LEVINE, M.D. (Former Board Member), )  
 EVELYN "GERRIE" SCHIPSKE, )  
 24 (Former Board Member) )  
 JAMIE WRIGHT, (Former Board Member), )  
 25 LINDA WHITNEY & DOES 1-10. )  
 )  
 26 Defendants. )  
 )  
 27

Case No. 3:21-cv-04908-WHO

*AMENDED*  
 MOTION FOR  
 ENTRY OF DEFAULT

against  
 Phillip Rich, M.D., Kristina Lawson,  
 Neil Stollman, M.D., Rod Perry, M.D.,  
 Hedy Chang, Sharon Levine, M.D.,  
 Sutter Medical Foundation; Sutter Bay Hospitals  
 (f.k.a. Sutter East Bay Hospitals),  
 d/b/a Alta Bates Summit Medical Center,  
 a/k/a Sutter Delta Medical Center;  
 Eden Medical Center d/b/a San Leandro Hospital  
 and Sutter East Bay Medical Foundation

1 Plaintiff, Ralph Peterson, by and through his attorneys of record, F.R.C.P.  
 2 55(a), requests that the Clerk enter judgment against the following defendants:

- 3 1. SUTTER MEDICAL FOUNDATION; Served on 7/26/2021, answer was due  
 4 on 8/16/21, (ECF Doc. # 18) ;
- 5 2. SUTTER BAY HOSPITALS (f.k.a. SUTTER EAST BAY HOSPITALS),  
 6 d/b/a Alta Bates Summit Medical Center, a/k/a Sutter Delta Medical Center; -  
 7 Served on 7/26/2021, answer was due on 8/16/21. (ECF Doc. # 21);
- 8 3. EDEN MEDICAL CENTER d/b/a San Leandro Hospital; Served on  
 9 7/26/2021, answer was due on 8/16/21. (ECF Doc. # 19);
- 10 4. SUTTER EAST BAY MEDICAL FOUNDATION-Served on 7/26/2021,  
 11 answer was due on 8/16/21. (ECF Doc. # 17, 20) ;
- 12 5. NEIL STOLLMAN, M.D., served on 7/15/2021, answer was due 8/5/2021  
 13 (ECF Doc. # 10);
- 14 6. ROD PERRY, M.D., served on 7/15/2021, answer was due 8/5/2021 (ECF  
 15 Doc. # 12);
- 16 7. PHILLIP RICH, M.D., served on 7/13/2021, answer was due 8/3/2021 (ECF  
 17 Doc. # 11);
- 18 8. KRISTINA LAWSON, served on 7/13/2021, answer was due 8/3/2021.  
 19 (ECF Doc. # 14);
- 20 9. HEDY CHANG served on 7/15/2021, answer was due 8/5/2021. (ECF Doc.  
 21 # 15) ;
- 22 10. SHARON LEVINE, M.D. served on 7/15/2021, answer was due 8/5/2021.  
 23 (ECF Doc. # 13)

24 In support of this request plaintiff relies upon the record in this case and the affidavit  
 25 of Marie Mirch submitted herein.

1 **A. Facts**

2 The complaint was filed on June 26, 2021. ECF Doc #1. The summons were  
 3 issued by the Court on June 30, 2021. ECF Doc # 6. The above-named  
 4 Defendants were served with a copy of the summons and complaint on various dates  
 5 identified above, namely July 13, 15, and 25, 2021 as reflected above and on the  
 6 docket as entries ECF #10-15 and 17-21, by the proofs of service filed on August  
 7 24 and 25, 2021. The answers to the complaint were due on August 3, August 5,  
 8 and August 19, 2021. *Id.* The above-named Defendants have failed to appear, plead  
 9 or otherwise defend within the time allowed and, therefore are now in default. *See*  
 10 *Decl Marie Mirch.*

11 **B. Legal Authority**

12 Federal Rules of Civil Procedure Rule 55(a) requires the clerk to enter a  
 13 default: “When a party against whom a judgment for affirmative relief is sought has  
 14 failed to plead or otherwise defend, and that failure is shown by affidavit or  
 15 otherwise, the clerk must enter the party's default”.

16 Plaintiff submits the Declaration of Marie Mirch in support of this motion.  
 17 Because the aforementioned defendants have failed to answer or otherwise defend,  
 18 the clerk must enter default against each and every one of them.

19 **C. Conclusion**

20 Based on the foregoing, Plaintiff respectfully requests that the clerk of court  
 21 enter default against the defendants SUTTER MEDICAL FOUNDATION;  
 22 SUTTER BAY HOSPITALS (f.k.a. SUTTER EAST BAY HOSPITALS), d/b/a  
 23 Alta Bates Summit Medical Center, a/k/a Sutter Delta Medical Center; EDEN  
 24 MEDICAL CENTER d/b/a San Leandro Hospital; SUTTER EAST BAY  
 25 MEDICAL FOUNDATION; NEIL STOLLMAN, M.D.; ROD PERRY, M.D.;  
 26 PHILLIP RICH, M.D.; KRISTINA LAWSON ; HEDY CHANG; and SHARON  
 27  
 28

1 LEVINE, M.D.

2  
3 Respectfully Submitted August 27, 2021.

4 /s/ Marie Mirch  
5 Marie Mirch  
6 Attorney for Plaintiff.  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28